

LAW OFFICE OF AM

Honorable Philip D. Halpern
United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

VIA ECF

Re: *Marshall v. Annucci, et al., 18-cv-6673*

Dear Judge Halpern:

Application granted. The deadlines to complete discovery are extended as set forth herein. A joint letter concerning the status of discovery and status of any settlement dialogue due 9/30/2021. The case management conference scheduled for 8/25/2021 is adjourned to 12/21/2021 at 10:30 a.m.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
April 23, 2021

This office serves as *pro bono* counsel for Plaintiff, Steven Marshall. (Dkt. No. 95.) Soon, we will be joined by co-counsel from Holland & Knight LLP, Mssrs. Benjamin Wilson and Ruarri Rogan.¹ Today, counsel for Defendants, Assistant Attorney General Jennifer Gashi has noticed substitution with Assistant Attorney General Kathryn Martin. (Dkt. No. 95, 97.) Counsel for both parties respectfully offer this joint submission to request a new scheduling order in light of Plaintiff's prior *pro se* status, the appearance of new counsel and the case's current posture.

Review of the docket indicates a scheduling order was entered November 16, 2020. (Dkt. No. 81.) Thereafter, Defendants requested at least two extensions given uncontrollable COVID related logistical issues and the transfer of the file to new counsel within the Attorney General's office. (Dkt. Nos. 88, 92.) Defendants did serve initial and 33.2 disclosures in January. Plaintiff's counsel will get out Plaintiff's disclosures as soon as we collect the documents from our client.²

¹ *Pro bono* counsel from Holland & Knight merely await an executed legal services agreement from Plaintiff.

² *Pro bono* counsel has sent out a number of pre-paid envelopes for Plaintiff's use to send his materials. Counsel will prepare disclosures as soon as they arrive.

However, no other discovery has taken place to date. Accordingly, the parties are respectfully requesting a new scheduling order and propose the following:

Any motion to amend or join	With leave of court
Plaintiff shall serve Rule 26 Disclosures	May 17, 2021
Parties shall serve Interrogatories and Document Requests	June 11, 2021
All fact depositions completed	September 24, 2021
Exchange of Expert Reports	October 22, 2021
Rebuttal Expert Reports	November 22, 2021
Expert Depositions, if any	December 17, 2021
All Discovery shall be completed by	December 17, 2021

The parties have suggested the somewhat elongated deposition period given the prospective number of defendants and fact witnesses. Of course, counsel for both parties are happy to speak with the Court regarding the above proposed calendar.

The parties thank the Court for its courtesy.

Very truly yours,

/s/ **Amy Jane Agnew**

Amy Jane Agnew, Esq.

Cc: Kathryn Martin, Esq., *Counsel for Defendants*
Benjamin R. Wilson, Esq., *Anticipated Pro Bono Counsel for Plaintiff* (VIA EMAIL)
Ruarri Rogan, Esq., *Anticipated Pro Bono Counsel for Plaintiff* (VIA EMAIL)